

Supreme Court, U.S.

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MICHAEL PODAK, JR., CLERK

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1979

No. 79-321

LACLEDE GAS COMPANY

*Petitioner,*

v.

FEDERAL ENERGY REGULATORY COMMISSION  
AND  
MISSISSIPPI RIVER TRANSMISSION CORPORATION,  
*Respondents.*

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ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT

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PETITIONER'S REPLY MEMORANDUM

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The Federal Energy Regulatory Commission, in its Opposition to Laclede Gas Company's petition for a writ of certiorari, states:

Laclede filed a petition for review in the United States Court of Appeals for the District of Columbia Circuit under Section 19(b) of the

Natural Gas Act, 15 U.S.C. 717r(b). That court dismissed the petition on the ground that "petitioner's suit arises under the Emergency Natural Gas Act of 1977 \*\*\* and in accordance with §10(b) of the Act, is within the exclusive jurisdiction of the Temporary Emergency Court of Appeals \*\*\*\*" (Pet. App. A3).

\* \* \*

The decision of the court of appeals is correct.

\* \* \*

The Commission's decision . . . was . . . the adjudication of a question under the ENGA, and therefore reviewable only in TECA.

(FERC Brief in Opposition at 4-5).

In reply, Petitioner, Laclede Gas Company quotes from the Brief of the Federal Energy Regulatory Commission to the United States Court of Appeals for the District of Columbia Circuit:

*Jurisdiction in this proceeding lies under Section 19(b) of the Natural Gas Act (15 U.S.C. §717r). Section 10 of the Emergency Natural Gas Act of 1977 (ENGA) . . . is inapplicable in this proceeding which limits review of orders under that Act to the Temporary Emergency Court of Appeals. The orders under review herein are under the Natural Gas Act.* (emphasis supplied).

(FERC Brief to D.C. Cir. at 2-3).

Respectfully submitted,

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